

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 11-370V

Filed: December 12, 2012

John and Sarah Bout,
parents of Kallista Bout, a minor,

Petitioners,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

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UNPUBLISHED

Attorneys' Fees and Costs;
Reasonable Amount Requested to which
Respondent Does Not Object

Jeffrey Golvash, Pittsburgh, PA, for petitioners.

Lara Ann Englund, Washington, DC, for respondent.

DECISION¹

On June 10, 2011, petitioners filed a Petition for Vaccine Compensation in the National Vaccine Injury Compensation Program ("the Program"),² alleging that various vaccinations injured Kallista.

¹ Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. Id.

On November 26, 2012, petitioners moved for a decision on the merits of the petition, acknowledging that insufficient evidence exists to demonstrate entitlement to compensation. On November 30, 2012, the undersigned issued a dismissal decision. Decision, Nov. 30, 2012.

On December 3, 2012, the parties filed a Stipulation of Facts Regarding Attorneys' Fees and Costs. According to the stipulation, respondent does not object to a total award of attorneys' fees and costs in the amount of \$6,000.00 and petitioners' costs in the amount of \$350.00.³

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). Based on the reasonableness of petitioners' request and respondent's counsel's lack of objection to petitioners' counsel's fee request, the undersigned **GRANTS** petitioners' motion for approval and payment of attorneys' fees and costs. Accordingly, an award should be made in the form of a check payable jointly to petitioners and to the Law Offices of Brennan Robins and Daley, P.C., in the amount of **\$6,350.00**. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.⁴

IT IS SO ORDERED.

s/Patricia E. Campbell-Smith
Patricia E. Campbell-Smith
Chief Special Master

² The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 *et seq.* (hereinafter "Vaccine Act" or "the Act"). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

³ In accordance with General Order #9, petitioners filed a statement stating that they incurred \$350.00 in out-of-pocket expenses in pursuing their petition.

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.